



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

October 20, 2008

Reply To  
Attn Of: ETPA-088

Ref: 07-059-AFS

Kevin D. Martin  
Forest Supervisor  
2517 S.W. Hailey Avenue  
Pendleton, Oregon 97801

Dear Mr. Martin:

We have reviewed the Draft Environmental Impact Statement (DEIS) for the **Farley Vegetation Management Project** on the Umatilla National Forest in Oregon. Our review of the DEIS was conducted in accordance with our responsibilities under National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Section 309 specifically directs the U.S. Environmental Protection Agency (EPA) to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the DEIS prepared for the proposed project considers the expected environmental impacts, and the adequacy of the DEIS in meeting procedural and public disclosure requirements of NEPA.

The Umatilla National Forest (Forest) is proposing to conduct timber harvest, commercial and non-commercial thinning, fuels treatment, prescribed burning, and reforestation in the Desolation Creek watershed of northeastern Oregon's Blue Mountains. The purpose and need of the Forest's project is to (i) capture present economic value of raw forest materials, (ii) reduce forest fuel loads and promote long term forest structure and stocking that is more consistent with historic conditions, and (iii) promote forest resilience to large-scale wildfire, disease and insect infestations and increase long-term sustainability of forest and associated resources (such as fish, wildlife, scenic values, and recreation) as well as economic and social values.

The initial proposed action involved a possible 18,000 acres of forest management activities and the construction of almost 60 miles of roads. This initial proposed action could have resulted in unacceptable environmental consequences and would have required several Forest Plan amendments. Due to preliminary analyses and public comments the initial proposed action was rejected.

In place of the initial proposed action a range of four alternatives involving 7,037 to 7,735 acres of the Desolation Creek watershed has been developed and evaluated. All alternatives involve (i) snag retention and replacement tree standards higher than those specified by the Forest Plan, (ii) reconstruction of 36 miles of existing road, (iii) obliteration of 31 miles and stabilization for non-use of 9 miles of existing closed roads,

and (iv) closure of all newly constructed Forest System roads and obliteration of temporary roads following project activities.

A preferred action alternative has not been identified in the DEIS. An alternative from the four evaluated in the DEIS (plus No Action), or a modification of these alternatives, will be selected by the Responsible Official following a thorough analysis of environmental effects and comments.

We commend the Forest for rejecting the initial proposed action and developing alternatives aimed at balancing short and long term resource management benefits and risks. We also appreciate the project's restrictions on vegetation management activities in Riparian Habitat Conservation Areas (RHCAs), within ¼ mile of candidates for Wild & Scenic River Designation, in C1 and C2 old forest management areas and in goshawk nesting areas.

In the enclosed detailed comments we identify Alternative 4 as the environmentally preferred alternative and suggest modifications that we believe would increase the resource protection of the proposed action. We have concerns about the adequacy of the DEIS's wildfire analysis and suggest improvements for the FEIS's wildfire impact analyses. Our other recommendations include project design elements for road closure/ decommissioning enforcement and monitoring and project design elements for grazing. Based on our review, we are rating the DEIS EC-2. An explanation of this rating is enclosed.

We appreciate the opportunity to review the DEIS for the Farley Vegetation Management Project. If you have questions or would like to discuss our comments in detail, please contact Erik Peterson at 206-553-6322 or myself at 206-553-1601.

Sincerely,

/s/

Christine B. Reichgott, Manager  
NEPA Review Unit

cc: US EPA Oregon Operations Office

**EPA REGION 10 DETAILED COMMENTS  
FARLEY VEGETATION MANAGEMENT PROJECT  
UMATILLA NATIONAL FOREST, OREGON**

**Environmentally Preferred Alternative**

We believe that the DEIS's Decision Framework provides effective action forcing criteria. Our suggested environmentally preferred alternative is based – in part - on these criteria.

Recommendations:

EPA supports the selection of a slightly modified Alternative 4. We prefer Alternative 4 because it:

- is the second least expensive (all of the proposed actions have negative Net Present Values),<sup>1</sup>
- treats the smallest total area yet promotes relatively large areas of dry and cold upland vegetation groups to old forest structure.<sup>2</sup>
- proposes no vegetation management activities for large (>1,000 acre) undeveloped areas outside of inventoried roadless areas,<sup>3</sup>
- minimizes the area of Detrimental Soil Conditions.<sup>4</sup>
- has the lowest chance of noxious weed spread,<sup>5</sup>
- impacts the second smallest area of Northern Goshawk foraging habitat<sup>6</sup>
- treats the lowest number of acres in Great Gray Owl nesting habitat with regeneration harvest,<sup>7</sup>

Alternative 4 could be amended to achieve greater resource protection with the following measures:

- Include assurances that appropriate periodic treatments – which do not themselves damage the long term sustainability of forest resources – will be conducted to maintain increases in Fire Regime Condition Class (FRCC) IV-1.<sup>8</sup> Without periodic treatment the project's medium and long term fire risk gains may be limited.<sup>9</sup>
- Remove the maximum number (44) of road stream crossings.<sup>10</sup>
- Redesignate the proposed ¼ mile of new system roads in RHCA as temporary roads and remove one of the two proposed Class 4 stream crossings,<sup>11</sup>

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<sup>1</sup> Farley Vegetation Management Project DEIS, Table 3.10.5

<sup>2</sup> *ibid*, Table 3.1.3

<sup>3</sup> *ibid*, Table 3.7.7

<sup>4</sup> *ibid*, Table 3.3.2

<sup>5</sup> *ibid*, p. 68

<sup>6</sup> *ibid*, Table 3.6.20

<sup>7</sup> *ibid*, p. 174

<sup>8</sup> *ibid*, p. 75

<sup>9</sup> See, for instance, Mason et al., 2003. Investigation of Alternative Strategies for Design, Layout and Administration of Fuel Removal Projects. [http://www.ruraltech.org/pubs/reports/fuel\\_removal/](http://www.ruraltech.org/pubs/reports/fuel_removal/)

<sup>10</sup> As developed for Alternative 2, Farley Vegetation Management Project DEIS, Table 3.4.6

- Include assurances that known noxious weed infestations would be treated by the Forest Service prior to implementation of activities.
- Restrict silvicultural treatment activities in areas where elk are known to frequent during high disturbance periods (e.g. hunting season).<sup>12</sup>

### **Wildfire Effects Analysis**

While we have concerns that the information and analysis related to wildfire effects do not sufficiently provide a clear basis for choice among alternatives, we appreciate the complexity of managing wildfire and commend the Forest for their analysis. Our concerns focus on how the DEIS compares the mitigation of long term wildfire risks through vegetation management with short term environmental impacts. Each of our concerns is followed by related recommendations.

We believe that the DEIS insufficiently analyzes fire danger over the medium and long term. For example, the DEIS explicitly states that fire danger would temporarily increase for up to five years and that fire danger will decrease from years 20-30. We believe the DEIS does not, however, as explicitly describe what will happen to fire danger from year 6-20 and 30 onwards.

#### Recommendation:

To address the gaps listed above we recommend that the FEIS include a more robust discussion of FRCC with emphasis on how the proposed action – and subsequent actions if necessary - will maintain FRCC 1 increases over the long term. We recommend that analyses which clearly present FRCC changes resulting from management actions, such as the excellent analysis summarized in Figure 3.2.3 “Condition Class changes by Fire Regime (in acres) resulting from the Farley Vegetation Management Project”, be conducted and present projections addressing the 6-20 year and 30+ year time periods.

We believe that the DEIS inconsistently analyzes the impact of high severity fire regimes associated with no action. We are concerned that addressing the high risk of high severity fire associated with no action for some affected resources<sup>13</sup> but not for others<sup>14</sup> does not provide a clear basis for choice between no action and the proposed actions.

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<sup>11</sup> Farley Vegetation Management Project DEIS, p. 104

<sup>12</sup> As developed for Alternative 5, Farley Vegetation Management Project DEIS, p. 142

<sup>13</sup> Resources where the high risk of high severity fire associated with no action is addressed include: forest stand stocking density, soils, fish populations, water temperature, sediment/ substrate embeddedness, large wood in streams, pool frequency/ quality, late and old forest structure habitat, habitat connectivity, snag replacement trees, down wood, Rocky Mountain Elk, Pileated Woodpecker, Pine Marten, Primary Cavity Excavators, Lynx, Columbia Spotted Frog, Lewis Woodpecker, Northern Goshawk, Olive-sided Flycatcher, Great Gray Owl, Bats, Neo-Tropical Birds and undeveloped areas.

<sup>14</sup> Resources where the high risk of high severity fire associated with no action is not addressed include: forest stand structure, water yield and peak flows, stream bank stability, Bald Eagle, Gray Wolf, White-headed Woodpecker, Recreation Opportunity Spectrum, most recreation and visual resources and range.

Recommendation:

We recommend that the indirect and direct effects of wildfire associated with no action be consistently analyzed for all resources.

The DEIS insufficiently compares the impact on key resources of fire regimes associated with no action and the altered fire regimes associated with proposed actions. For example, the DEIS states that large fires could indirectly affect stream temperatures by removing shade-providing trees adjacent to streams. The DEIS does not, however, go on to describe how the altered fire regime associated with the proposed actions would result in different direct and indirect effects to – in this case – stream temperatures. We would expect that fire, although altered, continues to play a significant role even if the proposed actions are implemented.

Recommendation:

We suggest that the basis for choice among options would be clearer if the FEIS described how fire regime changes associated with the proposed action would alter the direct and indirect effects of fire on key resources.

**Roads**

We commend the Forest for the proposed combination of road activities that would result in a decline in road-related erosion and sediment production by about 16 percent. We appreciate the elimination of all potential treatment units that would have affected connectivity corridors between old growth and late and old structure stands and the obliteration of 4.7 miles of existing closed roads within or adjacent to undeveloped areas.

According to the DEIS, “the proposed opening of closed roads for administrative access to proposed thinning, timber harvest and fuels treatment could result in unauthorized public vehicle use. Proposed mechanized fireline construction, thinning, timber and fuels treatment could create access opportunities for Off Highway Vehicles, resulting in new unauthorized trails.”<sup>15</sup> These unauthorized uses, as well as temporary and new system road construction and use, could negatively impact wildlife (especially Rocky Mountain Elk) and water quality (roads contribute more sediment to streams than any other management activity). Roads, routes and their use could also increase the spread of noxious weeds and the risk of human caused fire.

Recommendation:

We recommend the project design elements for roads describe the monitoring program and enforcement measures that will be implemented to ensure that road closure and decommissioning are effective.

**Grazing and Water Quality**

The DEIS states that, “Intensive livestock grazing before the 1950s still is affecting sediment transport as a result of stream bank and channel destabilization that

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<sup>15</sup> Farley Vegetation Management Project DEIS, p. S-6

has not recovered fully. The 1990 Forest Plan and its amendments require that streams be protected from livestock. Erosion effects of recent grazing are concentrated near water developments and in livestock trails.”<sup>16</sup> We appreciate the Forest’s recent grazing practices modifications and believe the Farley Vegetation Management Project is an opportunity to further mitigate water quality impacts from livestock.

Recommendation:

We recommend the inclusion of the following two project design elements for range: (i) increase the riparian exclosure fencing on Kelsay Creek and (ii) conduct riparian planting along Junkens Creek (a CWA 303 (d) listed impaired water body for temperature) and Beeman Creek in the Sharps Ridge fire area.

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<sup>16</sup> *ibid*, p. 95

**U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO – Lack of Objections**

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC – Environmental Concerns**

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO – Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU – Environmentally Unsatisfactory**

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 – Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 – Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 – Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.